

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v -

: S1 08 CR. 362 (LAP)

**Mady Diakite** , :

Defendant. :

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DEFENDANT MADY DIAKITE'S  
PROPOSED VOIR DIRE QUESTIONS

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**PROPOSED VOIR DIRE QUESTIONS**

The defendant **MADY DIAKITE** respectfully requests that the Court address the following areas, in addition to its customary questions, in its voir dire. The Court is requested to pursue more detailed questioning if a particular juror's answer reveals that further inquiry is appropriate. The defense also requests a brief (no more than ten minutes) period of attorney-conducted voir dire because of the reluctance some jurors may feel in answering questions posed by a judge.

**QUESTIONS FOR THE JURORS AS A GROUP**

**Presumption of Innocence**

1. Does anyone feel that just because Mr. Diakite has been indicted he must be guilty of this offense?
2. Does any juror have difficulty with the law that the indictment against Mr. Diakite is proof of nothing?
3. Does anyone have an opinion as to Mr. Diakite's guilt or innocence on this charge at this moment?

**Burden of Proof**

4. Will any juror have difficulty reaching a verdict if Mr. Diakite does not testify in this case?

**Experience with the Justice System**

5. Has any juror (or any juror's close friend or relative) ever been involved in a criminal case, either as a victim, defendant, witness, or in any other capacity? If your answer is "yes", please explain.
6. Has any juror (or any juror's close friend or relative) ever been the victim of or witness to any crime? Please explain.
7. Has any member of the jury panel or his or her family ever been subpoenaed in any criminal or civil case?

**Ties to Law Enforcement**

8. Does any juror or any member of his or her family (or close friend) have any relationship or friendship with any city, state or federal law enforcement officer? If so, what is the nature and extent of that relationship?

9. Has any juror or any member of his or her family (or close friend) ever been employed by any law enforcement agency, such as: the New York City police department, the department of corrections, F.B.I., I.R.S., D.E.A., Customs Service, A.T.F., U.S. Marshal, District Attorney, U.S. Attorney, Postal Inspection Service, Department of Justice, Probation or Parole, Bureau of Prisons or any other such agency? If yes, which agencies?

10. Would any juror attach greater weight to the testimony of a witness because he or she happens to be a Government employee or law enforcement agent?

11. Would any juror attach greater weight to the testimony of a witness just because that witness was offered by the Government?

12. Has any juror ever served in the military? If yes, please explain which branch, how long you served an in what capacity.

**Nature of the Charge**

13. Mr. Diakite is charged in this case with aggravated identity theft. I remind you that the Mr. Diakite is presumed to be innocent, and the fact that he has been charged with this offense is not evidence of his guilt. Nevertheless, does any juror have any feelings regarding this type of offense that would affect his or her ability to be fair and impartial?

14. Has any juror or any juror's close friend or relative ever been the victim of "identity theft?" If your answer is "yes," please explain.

**Prior Guilty Pleas**

15. You may hear evidence in this case that Mr. Diakite pleaded guilty earlier this month to five counts of bank fraud and access-device fraud. He is charged in this indictment with a separate offense of aggravated identity theft. You may not find Mr. Diakite guilty of this offense simply because he pleaded guilty to those offenses. Would the fact that Mr. Diakite has already pleaded guilty to several federal offenses which involve fraud affect any juror's ability to be a fair and impartial juror in this case?

**General Ability to Serve**

16. Is there any reason at all, religious, ethical, personal why anyone on the panel should not be a juror for this case?

**QUESTIONS FOR INDIVIDUAL JURORS**

1. Are you employed?
2. Who is your employer?
3. How long have you worked there?
4. What are your responsibilities?
5. What jobs have you held in the past?
6. What is the occupation of your spouse, ex-spouse, or the person with whom you are living?
7. What jobs has this person held in the past?
8. Have you ever worked in a bank, or in any financial institution?
9. Do you have any opinion about the name Mady Diakite? Would anything about that name have any impact on your ability to be a juror in this case?
10. Would anything about Mr. Diakite's appearance affect your ability to be a fair juror in this case?
11. You may hear evidence that Mr. Diakite used the names "Moussa Sylla" and "Ibrahima Conde" to open bank accounts which he used to commit bank fraud. Would anything about that fact have any impact on your ability to be a juror in this case?

12. Have you or any member of your family or close friend had any experience with identity theft that may affect your ability to be a juror in this case?

13. Do you think it is important to hear a defendant's testimony in a criminal case? How would you feel if you did not hear Mr. Diakite testify in this case?

14. What magazines or newspapers do you subscribe to or read regularly?

15. What are your favorite television shows?

16. Do you belong to any associations, organizations or civic clubs? If "yes", which ones?

17. Would you describe yourself politically as: Very Conservative, Conservative, Moderate, Liberal or Very Liberal?

18. What is the name of the public figure you most admire? Please explain.

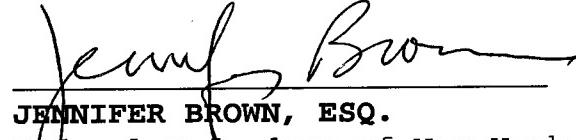
19. What do you think is the most difficult problem facing our country today?

Dated: New York, New York  
June 26, 2008

Respectfully Submitted,

LEONARD F. JOY, ESQ.  
Federal Defenders of New York, Inc.

By:

  
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